THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.5206 OF 2006

BETWEEN:

M.Sunitha Reddy and seven(7) others.

…Petitioner

and

State of Andhra Pradesh, rep. by its Special Chief Secretary to Government, Hyderabad and three (3) others.

..Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.5206 OF 2006

ORAL ORDER

The petitioner assail the order of the 1st respondent in G.O.Ms.No.293, Revenue (Registration.1) Department, dated.09-03-2005. The G.O notified specified properties in Petbasheerabad Village in Quthbullarpur Mandal in Ranga Reddy District for prohibition of registration, in exercise of powers under Section 22-A of the Registration Act, 1908 as amended by the Registration (Andhra Pradesh

Amendment) Act,1999. A Division Bench of this Court declared the provisions of Sec.22-A of the Act unconstitutional in W.P.No.14099 of 2003 and batch dated.07-12-2005 following the judgment of the Supreme Court in the **State of Rajasthan and Others Vs. Basant Nahata()**. As the legislative foundation for the exercise of the executive power of the State has itself ceased to exist and *ab initio* by the declaration of its unconstitutionality, the impugned notification of the 1st respondent in G.O.Ms.No.293 dated.09-03-2005 is also still born and is so declared.

The writ petition is allowed. In the circumstances there shall be no order as to costs.

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GODA RAGHURAM,J

17TH MARCH 2006

*TSNR